

Title VI Guidance Comments
U.S. Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Ms. Goode:

The New York State Environmental Facilities Corporation (“EFC”) is pleased to respond to your call for public comments regarding the draft guidance, Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from discriminating in their programs on the basis of race, color, or national origin. EFC would like to submit the following two comments:

1. It is our understanding that when an M/WBE is selected as a prime contractor, often there is confusion over whether they are exempt from meeting the M/WBE program requirements because they have been designated as a certified Minority or Woman Owned Business. We recommend for clarification that a statement be included that states, “All Prime Contractors, whether MBE/WBE or not, are required to make good faith efforts to meet the goals”.
2. The second issue that we would like to raise concerns the EPA quarterly report form. The current form does not specify what is being measured. We suggest that a separate section be created to capture the MBE quarterly payments, WBE quarterly payments, MBE subcontracts and WBE subcontracts for both the CWSRF and DWSRF programs.

Thank you for the opportunity to comment. If you have any questions regarding EFC’s statements, please contact Mr. Kenneth Shider, MWBE Program Manager, at 518/457-0918.

Sincerely,

Thomas J. Kelly
President